

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

KRISTIN EGBERT,

Plaintiff,

vs.

MONROE COUNTY, ILLINOIS and CARL
D. WUERTZ, *in his Individual and Official
Capacity*,

Defendants.

Case No. 14-cv-1163-SMY-DGW

MEMORANDUM AND ORDER

This matter comes before the Court on defendant Monroe County, Illinois (“Monroe County”) and Carl D. Wuertz’s (collectively “Defendants”) Motion to Strike Plaintiff’s Prayer for Punitive Damages (Doc. 32). Pursuant to Federal Rule of Civil Procedure 12(f), Defendants seek an order striking Plaintiff’s demand for punitive damages in Count II against Monroe County and Wuertz in his official capacity. Specifically, Defendants contend punitive damages are not recoverable from a municipality, *City of Newport v. Fact Concerts, Inc.*, 453 U.S. 247, 271 (1981), or a governmental official in his official capacity, *Kentucky v. Graham*, 473 U.S. 159, 167 (1985). Plaintiff filed her response conceding the merits of Defendants’ motion

Accordingly, the Court **GRANTS** Defendants’ Motion to Strike (Doc. 32) and **STRIKES** Plaintiff’s demand for punitive damages in Count II of her First Amended Complaint against Monroe and Wuertz in his official capacity.

IT IS SO ORDERED.

DATED: July 9, 2015

s/ Staci M. Yandle
STACI M. YANDLE
DISTRICT JUDGE